

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:17-CV-66-D

JOHN D. MCALLISTER,

Plaintiff,

v.

TIM MALFITANO, and  
DETECTIVE SELOGY,

Defendants.

**ORDER**

On April 1, 2017, plaintiff John D. McAllister (“McAllister” or “plaintiff”), appearing pro se, filed his complaint [D.E. 1]. On April 7, 2017, McAllister submitted civil summonses for issuance [D.E. 5], and the clerk issued the summonses [D.E. 6] and notified plaintiff of his responsibility to serve the summons and complaint on each defendant [D.E. 7].

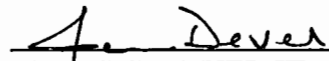
On May 22, 2017, McAllister filed a motion for default judgment against defendant Tim Malfitano [D.E. 11]. On May 31, 2017, Malfitano filed a waiver of service of summons [D.E. 15] and responded to McAllister’s motion for default judgment [D.E. 14]. On June 13, 2017, McAllister replied [D.E. 16] and filed a motion to produce documents [D.E. 17]. On July 5, 2017, Wendy L. Greene, of The Law Office of Wendy Greene, filed a notice of appearance on behalf of McAllister [D.E. 19]. On July 6, 2017, Malfitano answered the complaint [D.E. 20].

The court has reviewed the entire record. McAllister’s motion for default judgment [D.E. 11] is denied. McAllister’s motion to produce documents [D.E. 17] is stayed pending the parties’ Rule 26(f) conference and this court’s entry of a scheduling order.

Plaintiff has not demonstrated that he ever served defendant Steven A. Selogy. Plaintiff must file proof of proper service on Selogy by August 28, 2017.

In sum, McAllister's motion for default judgment [D.E. 11] is DENIED, McAllister's motion to produce documents [D.E. 17] is STAYED, and plaintiff has until August 28, 2017 to file proof of service concerning Selogy.

SO ORDERED. This 14 day of August 2017.

  
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JAMES C. DEVER III  
Chief United States District Judge